

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANIEL DAVID MARTINEZ,

Defendant.

NO. CR-07-2022-EFS-2

**ORDER DENYING DEFENDANT'S APPEAL
OF DETENTION ORDER**

On August 1, 2007, the Court heard oral argument in the above-captioned matter. Kenneth Therrien appeared on behalf of Defendant Daniel David Martinez. James Hagarty appeared representing the Government. Before the Court was Defendant's Appeal of Detention Order (Ct. Rec. 69). The Court had previously heard oral argument in this matter and held Defendant's motion in abeyance in order to provide the parties an opportunity to provide further briefing (Ct. Rec. 97). The parties failed to submit any additional briefing.

As noted previously, if there is probable cause to believe that an individual committed a drug offense for which the maximum term of imprisonment is 10 years or more, there is a rebuttable presumption that

1 no condition or combination of conditions will reasonably assure the
2 appearance of the person at subsequent hearings. 18 U.S.C. § 3142(e).
3 A defendant must overcome the presumption that they will not appear in
4 order to qualify for release pending trial. Defendant has requested
5 release pending trial in order to allow Defendant to participate in a
6 drug treatment program.

7 Here, the Government has established probable cause to believe
8 Defendant committed a drug offense for which the maximum term of
9 imprisonment is more than 10 years. Defendant has failed to overcome
10 the presumption that he will not appear. Therefore, Defendant's appeal
11 of the detention order is denied.

12 **ACCORDINGLY IT IS ORDERED:** Defendant's Appeal of Detention Order
13 **(Ct. Rec. 69) is DENIED.**

14 **IT IS SO ORDERED.** The District Court Executive is directed to
15 enter this Order and furnish copies to counsel.

16 **DATED** this 2nd day of August 2007.

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18 S/ Edward F. Shea
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EDWARD F. SHEA
UNITED STATES DISTRICT JUDGE

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